

HOUSE BILL 319

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 1, relative to criminal history investigations of employees and contractors with access to federal tax information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) The administrative departments of state government are authorized, as necessary to comply with internal revenue service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain criminal history background checks and investigations performed by the Tennessee bureau of investigation, the federal bureau of investigation, or other entity approved by the internal revenue service to conduct these services on all employees and contractors with access to federal tax information.

(b) An employee or contractor of any administrative department of state government with access to federal tax information must:

(1) Agree to the release of all investigative records to the state government and contractor for the purpose of verifying the accuracy of criminal history information contained in an employment application; and

(2) Supply a fingerprint sample and submit to a criminal history background check and investigation to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, or other entity approved by the internal revenue service to conduct these services.

(c) Except as otherwise provided in this subsection (c), a state administrative department shall pay any costs incurred to conduct background checks and investigations requested by the department. The state administrative department may require a person or entity contracting with the department to pay the costs associated with the background investigations for all employees of the contractor. The requirement may be a condition of the contract with the department. Payment must be made in accordance with § 38-6-103.

(d) Each state administrative department required to conduct background checks and investigations pursuant to this section shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this section.

(e) The chief executive officer of each state administrative department required to conduct background checks and investigations pursuant to this section may establish the job titles or classifications to which the requirements of this section apply, but the classifications shall not supersede any mandatory fingerprint-based criminal history background check requirements applicable for any person seeking employment in a position that requires licensure, approval, or certification by any state agency.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.